

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Licenses 5452 and
5687, Issued Pursuant to Permits 8361
and 9273, Applications 13839 and 15077,
Respectively, HAROLD E. and ELIZABETH
S. WENTSCH, THOMAS J. and MARGARET N.
KELLY and GLADYS G. WASHBURN
LICENSEES.

Source: An Unnamed Stream
County: Placer

ORDER REVOKING LICENSES TO APPROPRIATE WATER IN PART

A hearing having been held pursuant to Section 1675 of the Water Code before the State Water Rights Board, on the 8th day of October, 1964, in the Kaiser Building, 21st and N Streets, Sacramento, California, for the purpose of allowing Tobias and Selma Goldfarb, Morton L. Rubin, Ben and Shirley Lerner, and S. Jerry and Anne S. Freeman, who were then the licensees, to show cause why Licenses 5452 and 5687 should not be revoked; due notice of the time, place, and nature of said hearing having been given by certified mail to said licensees; said notice having been received, as is evidenced by signed return receipt; no appearance having been made at said hearing by or on behalf of said licensees; evidence having been presented and received at said hearing; the matter having been submitted for decision upon such evidence, and the State Water Rights Board, having duly considered the same and now being fully informed in the premises, finds as follows:

3

1. Permit 8361 was issued in the matter of Application 13839 on January 29, 1951, to Verner G. and Elma E. Kokila for the appropriation of 0.125 cubic foot per second from May 1 to October 30 of each year and 48 acre-feet from November 1 of each year to April 30 of each succeeding year from an unnamed stream in Placer County for irrigation and recreational purposes.

2. License 5452 was issued on February 2, 1959, pursuant to said permit, confirming in Harold E. Wentsch and Thomas J. Kelly the rights acquired by beneficial use to 38 acre-feet per annum. Said license was filed in the office of the Recorder of Placer County on February 3, 1959. Since May 3, 1966, said license has been held by Harold E. and Elizabeth S. Wentsch, Thomas J. and Margaret N. Kelly and Gladys G. Washburn.

3. Permit 9273 was issued in the matter of Application 15077 on February 9, 1953, to Verner G. and Elma E. Kokila for the appropriation of 17 acre-feet from November 1 of each year to April 30 of each succeeding year from an unnamed stream in Placer County for irrigation and recreational purposes.

4. License 5687 was issued on April 10, 1959, pursuant to said permit, confirming in Harold E. Wentsch and Thomas J. Kelly the rights acquired by beneficial use to 16 acre-feet per annum. Said license was filed in the office of the Recorder of Placer County on April 13, 1959. Since May 3, 1966, said license,

by assignment, has been held by Harold E. and Elizabeth S. Wentsch, Thomas J. and Margaret N. Kelly and Gladys G. Washburn.

5. There has been no use of water for irrigation purposes under Licenses 5452 and 5687 since sometime prior to the year 1962. The licensees' sprinkler system has been dismantled. The switch box that was a part of the power installation for a pump used to pump water from the reservoir for irrigation purposes is inoperative and partially destroyed and the power meter has been removed.

6. Since prior to 1962 the reservoir has been used only for recreation. No water has been diverted from the reservoir for beneficial use.

7. Water has ceased to be appropriated and put to beneficial use for irrigation purposes within the terms and authority of said Licenses 5452 and 5687.

It is concluded from the foregoing findings that Licenses 5452 and 5687 should be revoked to the extent that they authorize use of water for irrigation purposes.

NOW, THEREFORE, IT IS ORDERED that Licenses 5452 and 5687 be, and the same are, hereby revoked to the extent that they authorize use of water for irrigation purposes. The remaining right under the licenses extends only to water necessary

to keep the reservoir full by replacing evaporation and seepage losses and to refill if emptied for necessary maintenance or repair.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California.

Dated: OCT 25

Kent Silverthorne
Kent Silverthorne, Chairman

Ralph J. McGill
Ralph J. McGill, Member

W. A. Alexander
W. A. Alexander, Member



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13839

PERMIT 8361

LICENSE 5452

THIS IS TO CERTIFY, That

Harold E. Wentsch and Thomas J. Kelly
5926 - 55th Street
Sacramento, California

Notice of Assignment (Over)

have made proof as of March 25, 1958
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed stream in Placer County

tributary to Miner's Ravine

for the purpose of irrigation and recreational uses
under Permit 8361 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from July 6, 1950
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed thirty-eight (38) acre-feet
per annum to be collected from about November 1 of each year to about April 30 of
the succeeding year.

The point of diversion of such water is located :
South one thousand six hundred (1600) feet and west two hundred (200) feet from NE
corner of Section 34, T11N, R7E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 34.

A description of the lands or the place where such water is put to beneficial use is as follows:

Recreational use within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T11N, R7E, MDB&M and
irrigation of
40 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T11N, R7E, MDB&M
30 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T11N, R7E, MDB&M
70 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

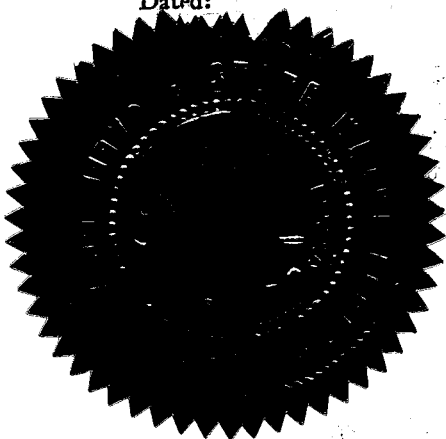
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: FEB 2 1959



L. K. Hill
L. K. Hill
Executive Officer

1-14-60

RECEIVED NOTICE OF ASSIGNMENT TO

Charles + Geraldine Carr

9-11-63

RECEIVED NOTICE OF ASSIGNMENT TO

Tobias Goldfarb, Selma

Goldfarb, S. Jerry Freeman, Anne S. Freeman,
Ben Lerner, Shirley Lerner + Morton L. Rubin

5-3-66 Records changed to show Harold E. & Elizabeth S. Wentock,
Thomas J. + Margaret H. Kelly + Gladys M. Washburn as owners,

8-6-71 Records changed to show Roy Fredrickson,
Barbara Fredrickson, Glenn Parrott, Laverne
Parrott, James W. Ely and Alina Ely as owners

8-15-83 Partial assign to Oliver W. Sproun & Carolyn
M. Sproun.

License 5452 ~~5452~~ Ownership changed to
George V. Wieg and Donna M. Wieg,
Linda Olarra and LaVerne Olarra,
David Rosenauer, and David N. McIntire
12/18/95

LICENSE 5452
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Harold E. Wentsch and
Thomas J. Kelly

DATED FEB 2 1959

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